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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/907,009	07/16/2001	Kenneth H. Abbott	294438008US4	8057
25096	7590	10/06/2004	EXAMINER	
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				ART UNIT
				PAPER NUMBER
				2173

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/907,009	ABBOTT ET AL. <i>RJ</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Tadesse Hailu	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 July 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 134-219 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 134-148 is/are allowed.  
 6) Claim(s) 149-219 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/15, 12/20, 2002</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. This Office Action is in response to the patent application (09/907,009) filed on July 16, 2001.
2. The present patent application claims priority from us application 09/216,193 filed December 18, 1998, now patent number 6,466,232.
3. The Information Disclosure Statements submitted on 7/15/02 and 12/20/02 are considered and entered into the file.
4. The pending claims 134-219 are examined herein as follows.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before

November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 149-219 are rejected under 35 U.S.C. 102(e) as being anticipated by Burkey et al (US Pat No. 6,446,076).

With regard to claim 149:

Burkey discloses a computer-implemented method for distributing persona object (themes) to one or more computing devices (e.g. 1740, Fig. 17) for use by those computing devices in providing responses that are appropriate to contextual situations (at work, Office, or lake Tahoe, see Fig. 12).

Burkey further disclose receiving an indication of at least one accessible persona (theme), each of the accessible persona (themes) representing a contextual situation (e.g., work context, may store the user's work address, and office context may store user's office address) and associated with a type of response that is appropriate to the represented contextual situation (column 30, lines 51-67), each of the contextual situations represented with multiple context attributes related to that contextual situation and with criteria for determining values of those context attributes that match that contextual situation (column 31, lines 1-48).

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Burkey further discloses receiving an indication of at least one computing device (column 33, lines 33-53).

Burkey also discloses for each of the indicated computing devices (e.g., 1740, Fig. 17), identifying at least one of the accessible themes as being appropriate for that computing device based on relationship information associated with that theme that indicates a relationship to other themes (column 31, lines 1-28).

Burkey further discloses for each of the indicated computing devices (e.g., 1740, Fig. 17), distributing each of the identified themes to that computing device for use by that computing device in providing the type of response associated with that identified theme when the contextual situation represented by that identified theme occurs (column 30, lines 51-67, column 31, lines 1-28).

With regard to claim 150:

Burkey further discloses the relationship of each of the identified accessible themes to other themes is a hierarchical relationship (see Fig. 12, column 6, lines 12-14).

With regard to claim 151:

Burkey further discloses the identifying of an accessible theme as being appropriate is based on a position of that theme within the hierarchical relationship of that theme to other

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themes (for example *travel profile* is available in all of the three persona hierarchy, thus, based on the user location the appropriate profile will be applied or provided to the user, column 31, lines 1-28).

With regard to claim 152:

Burkey further discloses the hierarchical relationship of one of the identified accessible themes to other themes is based on degrees of specificity of the themes that are part of the hierarchical relationship, and wherein the one accessible theme is identified as appropriate based on the degree of specificity of the one accessible theme (see the example above, also see column 31, lines 1-48).

With regard to claim 153:

Burkey further discloses the hierarchical relationship (Fig. 12) of one of the identified accessible themes to other themes is based on priorities of the themes that are part of the hierarchical relationship, and wherein the one accessible theme is identified (e.g. Smith's at work persona, 1220, Fig. 12) appropriate based on the priority of the one accessible theme (column 47, lines 25-30).

With regard to claim 154:

Burkey further discloses one of the identified accessible themes (e.g. Smith's at work persona, 1220, Fig. 12) that is

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part of a first hierarchical relationship inherits information from other themes (such as travel profile) that are part of the first hierarchical relationship based on a position of the one accessible theme within the first hierarchical relationship, and wherein the distributing of the one accessible theme includes distributing the inherited information (column 37, lines 33-38, column 38, lines 66-column 22).

With regard to claim 155:

Burkey further discloses the inherited information includes at least one of the context attributes for the contextual situation represented by the one accessible theme (column 31, lines 1-28, Fig. 12).

With regard to claim 156:

Burkey further discloses the inherited information includes at least some of the criteria for determining values of the context attribute for the contextual situation represented by the one accessible theme (column 30, lines 52-67, column 31, lines 29-48).

With regard to claim 157:

Burkey further discloses the inherited information includes the type of response associated with the one accessible theme (Fig. 12, similar categories of information, e.g., email, travel, news, etc are shared among all persona).

With regard to claim 158:

Burkey further discloses the relationship of each of the identified accessible themes to other themes is a category associated with the accessible theme and with the related other themes (Fig. 12, similar categories of information, e.g., email, travel, news, etc are shared among all persona).

With regard to claim 159:

Burkey further discloses the identifying of an accessible theme as being appropriate is based on a category of that theme (column 31, lines 1-48).

With regard to claim 160:

Burkey further discloses the category associated with one of the identified accessible themes is financial security, healthcare, and entertainment, etc (column 31, lines 50-58, column 35, lines 16-32).

With regard to claim 161:

Burkey further discloses the category associated with one of the identified accessible themes is one of a group comprising categories related to people (contact person, Fig. 12), categories related to objects (e.g., documents, news, e-mail, etc), categories related to locations (Home, office and lake Tahoe) and categories related to situations (column 40, lines 9-12).

With regard to claim 162:

Burkey further discloses the category associated with one of the identified accessible themes is related to content of information provided by the themes that are part of the category (e.g., e-mail, news, etc, Fig. 12).

With regard to claim 163:

Burkey further discloses the category associated with one of the identified accessible themes is related to types of intentions of users to which the themes that are part of the category provide their associated responses (column 32, lines 4-26).

With regard to claim 164:

Burkey further discloses the category associated with one of the identified accessible themes is related to abilities of users to which the themes that are part of the category provide their associated responses (column 33, lines 33-53).

With regard to claim 165:

Burkey further discloses the category associated with one of the identified accessible themes is related to computing devices that use the themes that are part of the category to provide the associated responses (column 33, lines 33-53).

With regard to claim 166:

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Burkey further discloses the category associated with one of the identified accessible themes is related to personal preferences of users to which the themes that are part of the category provide their associated responses (column 29, lines 50-63).

With regard to claim 167:

Burkey further discloses the categories have associated priorities, and wherein the identifying of an accessible theme as appropriate is based on the priority of the category of that theme (column 47, lines 27-30).

With regard to claim 168:

Burkey further discloses the relationship of each of the identified accessible themes to other themes involves being a member of a group of related themes that includes those other themes as members (see Fig. 12, wherein news, email, travel, etc are available in all persona (themes)).

With regard to claim 169:

Burkey further discloses the identifying of an accessible theme as being appropriate is based on that theme being a member of a group (column 30, lines 52-67).

With regard to claim 170:

Burkey further discloses that one of the identified accessible themes is a member of a group of related themes that

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correspond to a group to users such that the responses associated with the group member themes are appropriate to be provided to those users (column 31, lines 1-28, column 47, lines 49-54).

With regard to claims 171-174:

Burkey further discloses the group of users are employees of an employer, customers of a retailer, users in a common geographic location, users engaged in a common activity (column 30, lines 52-67, column 31, lines 1-48).

With regard to claim 175:

Burkey further discloses the groups have associated priorities, and wherein the identifying of an accessible theme as being appropriate is based on the priority of the group of which that theme is a member (column 47, lines 29-30).

With regard to claim 176:

Burkey further discloses the relationship of each of the identified accessible themes to other themes involves relationships between the contextual situations represented by those themes (Fig. 12, email, news, travel, etc categories create relationship among persona (themes)).

With regard to claim 177:

Burkey further discloses the relationship of each of the identified accessible themes to other themes involves that

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identified accessible theme being composed of a combination of at least portions of those other themes (see Fig. 12, illustrates the components of each persona).

With regard to claim 178:

Burkey further discloses multiple accessible themes Are identified as appropriate, and wherein the identifying of the multiple accessible themes includes identifying a first of the multiple accessible themes as appropriate and identifying the other multiple accessible themes based on a relationship of the first accessible theme to the other accessible themes (column 30, lines 52-67, column 31, lines 1-48).

With regard to claim 179:

Burkey further discloses that before the identifying of the accessible themes, associating the relationship information for each of the identified accessible themes with that theme (Fig. 12, column 30, lines 52-67, column 31, lines 1-48).

With regard to claim 180:

Burkey further discloses that before the receiving of the indication of the accessible themes, defining at least one of the identified accessible themes based on received indications and associating the relationship information for that theme with that theme (Fig. 12, column 30, lines 52-67, column 31, lines 1-48).

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With regard to claim 181:

Burkey further discloses the receiving of the indication of the accessible themes includes receiving those themes from another computing device, and including associating relationship information with each of the received themes (column 33, lines 33-53).

With regard to claim 182:

Burkey further discloses the identifying of the accessible themes includes determining the relationship information for each of the identified accessible themes and associating the determined relationship information with those themes (Fig. 12, column 30, lines 52-67, column 31, lines 1-48).

With regard to claim 183:

Burkey further discloses the received indication of a computing device includes an indication of a contextual situation related to that computing device, and wherein the identifying of a theme as being appropriate for that computing device includes identifying themes that represent contextual situations that are related to the indicated contextual situation (Fig. 12, column 30, lines 52-67, column 31, lines 1-48).

With regard to claim 184:

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Burkey further discloses the received indication of a computing device includes an indication of a user of that computing device, and wherein the identifying of a theme as being appropriate for that computing device includes identifying themes having an associated type of response that is appropriate for the indicated user (column 30, lines 52-67, column 31, lines 1-28, column 33, lines 33-53).

With regard to claim 185:

Burkey further discloses the distributing of one of the identified accessible themes includes distributing a theme layout associated with that theme that specifies information to be presented to a user of a computing device that is using the distributed theme layout (column 30, lines 52-67, column 31, lines 1-28, column 33, lines 33-53).

With regard to claim 186:

Burkey further discloses the distributing of one of the identified accessible themes includes distributing the other themes to which that theme is related (column 30, lines 52-67).

With regard to claim 187:

Burkey further discloses at least one of the context attributes for one of the identified accessible themes represents information about a user of a computing device using that theme (column 31, lines 1-28).

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With regard to claim 188:

Burkey further discloses at least one of the context attributes for one of the identified accessible themes represents information about a computing device using that theme (column 33, lines 33-53).

With regard to claim 189:

Burkey further discloses at least one of the context attributes for one of the identified accessible themes represents information about a physical environment (column 27, lines 28-38, column 31, lines 1-28).

With regard to claim 190:

Burkey further discloses at least one of the context attributes for one of the identified accessible themes represents information about a cyber-environment of a user of a computing device (Fig. 12, email, news, etc).

With regard to claim 191:

Burkey further discloses receiving indications of multiple computing devices having users that are members of a group, and distributing at least one accessible theme that is identified as being appropriate for that group to each of the computing devices (column 33, lines 33-53).

With regard to claim 192:

Independent claim 192 corresponds generally to independent claim 149 and recites similar features in computer-readable medium form, and therefore is rejected under the same rationale.

With regard to claim 193:

Burkey further discloses the computer-readable medium is a data transmission medium transmitting a generated data signal containing the contents (column 49, lines 19-24).

With regard to claim 194:

Burkey further discloses the computer-readable medium is a memory of a computer system (column 3, lines 26-52).

With regard to claim 195:

Independent claim 195 corresponds generally to independent claim 149 and recites similar features in a computing device form, and therefore is rejected under the same rationale.

With regard to claim 196:

Burkey further discloses the input component and theme distribution component are executing in memory of the computing device (column 3, lines 26-52).

With regard to claim 197:

Burkey further discloses the computing device is a hand-held personal computer PDA (wearable computer) (column 36, lines 61-65).

With regard to claim 198:

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Independent claim 198 corresponds generally to independent claim 149 and recites similar features in a computing system form, and therefore is rejected under the same rationale.

With regard to claim 199:

The remaining independent claims, 199, 205, 206, 207, and 214, while not necessarily identical in scope, contain limitations similar to independent claim 149 and therefore are rejected under the same rationale.

With regard to claim 200:

Burkey further discloses each of the themes includes indications of multiple context attributes and criteria for determining matching values of those context attributes, wherein the current contextual situation includes current values for at least some of the context attributes, and wherein the identifying of the one theme is based on the included current values of the current contextual situation containing values for the indicated context attributes for the one theme that the indicated criteria for the one theme determines to be matching values (column 30, lines 52-67, column 31, lines 1-48).

With regard to claim 201:

Burkey further discloses that the identifying of the one theme is based on a priority that is determined for the one theme (column 47, lines 29-30).

With regard to claim 202:

Burkey further discloses the provided type of response includes presenting information to the user that is appropriate to the current contextual situation (abstract, column 33, lines 19-32).

With regard to claim 203:

Burkey further discloses identifying multiple of the themes of the selected category whose associated type of response is appropriate to the current contextual situation, and providing the associated type of response for each of the identified themes (column 30, lines 52-67, column 31, lines 1-48).

With regard to claim 204

Burkey further discloses including selecting multiple categories of themes based on the current contextual situation being of a type to which each of the selected categories of themes corresponds, and providing for at least one of the themes for each of the selected categories the type of response associated with that theme (column 30, lines 52-67, column 31, lines 1-48).

With regard to claim 208:

Burkey further discloses the received indication of the current user includes an indication of a current contextual situation of the user, and wherein the identifying of the one or

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more themes is based on the indicated current contextual situation (column 30, lines 52-67, column 31, lines 1-48).

With regard to claim 209:

Burkey further discloses each of the themes includes indications of multiple context attributes and criteria for determining matching values of those context attributes, wherein the current contextual situation includes current values for at least some of the context attributes, and wherein the identifying of the one or more themes is based on the included current values of the current contextual situation containing values for the indicated context attributes for each of those themes that the indicated criteria for that theme determines to be matching values (column 30, lines 52-67, column 31, lines 1-48).

With regard to claim 210:

Burkey further discloses the identifying of the one or more themes is based on priorities that are determined for each of those themes (column 47, lines 29-30).

With regard to claim 211:

Burkey further discloses the provided types of response each include presenting information to the user (abstract, column 33, lines 19-32).

With regard to claim 212:

Burkey further discloses selecting multiple groups of themes based on the current user being of a type to which each of the selected groups of themes corresponds, and providing for at least one of the themes for each of the selected groups the type of response associated with that theme (column 31, lines 1-48).

With regard to claim 213:

Burkey further discloses receiving indications of multiple users, and wherein the selecting of one of the multiple groups of themes is further based on all of the indicated multiple users belonging to a group of users to which the selected group of themes corresponds (column 31, lines 1-28, column 33, lines 33-53).

With regard to claim 215:

Burkey further discloses that each of the themes includes indications of multiple context attributes and criteria for determining matching values of those context attributes, wherein the current contextual situation includes current values for at least some of the context attributes, and wherein the identifying of the multiple themes is based on the included current values of the current contextual situation containing values for the indicated context attributes for each of the identified themes that the indicated criteria for that theme

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determines to be matching values (column 30, lines 52-67, column 31, lines 1-48).

With regard to claim 216:

Burkey further discloses that the selecting of the one theme is based on a priority that is determined for the one theme based on the hierarchical relationship (column 47, lines 29-30).

With regard to claim 217:

Burkey further discloses the provided type of response includes presenting information to the user that is appropriate to the current contextual situation (abstract, column 33, 19-32).

With regard to claim 218:

Burkey further discloses including selecting multiple of the identified themes based on the hierarchical relationships of those themes to other of the multiple themes, and providing the associated type of response for each of the selected themes (Fig. 12, column 31, lines 1-28).

With regard to claim 219:

Burkey further discloses the hierarchical relationship of the selected one theme to the other themes is based on degrees of specificity of the themes that are part of the hierarchical relationship, and wherein the one theme is selected based on the

degree of specificity of the one theme (Fig. 12, column 31, lines 1-28).

*Allowable Subject Matter*

7. Claims 134-148 are allowed.

8. The following is an examiner's statement of reasons for allowance: The prior art of record neither renders obvious nor anticipates the combination of claimed elements because the prior art of records fails to teach each element recited in applicant's claims. Applicant's claims recites "a method for presenting information to a user of a wearable computing device based on at least one of multiple defined themes... ." The preamble further includes elements which breaths life into the claims. The method recites, a plurality of steps including among other steps "determining at least two of the multiple defined themes that model context situations matching the current contextual situation in such a manner that for each of the determined themes, the included current values for each of the context attributes specified for that theme matches one of the specified possible values associated with that context attribute"

Thus, prior art of record neither renders obvious nor anticipates the combination of claimed elements including the preamble as specified in claims 134-148.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### CONCLUSION

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 273-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 273-4048 Art Unit 2173.
10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*Tadesse Hailu*  
Art Unit 2173  
9/29/2004



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173